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PATENT APPLICATION
Attorney's Docket No.: 1159.1004-005
Expedited Procedure under 37 C.F.R. § 1.116
Examining Group 1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Steven A. Bogen and Herbert H. Loeffler

Application No.: 09/702,298

Group: 1743

Filed: October 31, 2000

Examiner: Lyle Alexander

Confirmation No.: 3668

For: AUTOMATED SLIDE STAINER WITH SLIDE HOUSING (AMENDED)

OFFICIAL

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RESPONSE AFTER FINAL REJECTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response After Final Rejection is being filed in response to the Final Office Action mailed from the U.S. Patent and Trademark Office on November 13, 2003 in the above-identified application. Reconsideration of the rejection presented in that Office Action is respectfully requested.

An extension of time for filing a Notice of Appeal from the Final Office Action dated November 13, 2003, is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently with this amendment.

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REMARKS

Applicant thanks Examiner Alexander for today's helpful telephone interview in which the claimed invention and the MaWhinney reference were discussed.

As discussed in the interview, the slide chambers of MaWhinney are defined by O-rings in Fig. 2. Inlet and outlet pipes are fixed to those chambers and form part of the liquid dispenser. The liquid dispenser of MaWhinney would also include the peristaltic pump and valve block illustrated in Fig. 3. Thus, each reaction chamber is fixed relative to a liquid dispenser. A reagent carousel does rotate relative to the dispenser, but that feature of MaWhinney is not relevant to the present claims.

As recited in each of claims 3 and 11, the liquid dispenser and slide housing are capable of movement relative to each other under microprocessor control. As discussed above, MaWhinney does not allow for relative movement between the slide reaction chamber and the liquid dispenser.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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